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Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Report of the Secretary-General

I. Introduction

1. The General Assembly, in section I, paragraph 8, of its resolution 63/259, decided that the emoluments, pensions and other conditions of service for the members of the International Court of Justice, and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda should next be reviewed at its sixty-fifth session. The Assembly stipulated that options for defined-benefit and defined-contribution pension schemes be included in the review and requested the Secretary-General to ensure that, in the review, the expertise available within the United Nations be taken full advantage of. The present document is the result of extensive consultations with the United Nations Joint Staff Pension Fund and the Office of Programme Planning, Budget and Account, as well as the Court and the Tribunals.

2. In order to facilitate consideration of the variety of issues to be reviewed, the report is presented as follows: section II is devoted to the remuneration of the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda; section III focuses on the other conditions of service of the members of the Court and the judges and ad litem judges of the two Tribunals; and section IV contains an analysis, recommendations and financial implications in respect of remuneration and other conditions of service, including pensions, and the timing of the next comprehensive review.

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II. Remuneration

A. International Court of Justice

3. Article 32 of the Statute of the International Court of Justice provides, inter alia, that each member of the Court shall receive an annual salary (para. 1), and that the salaries and allowances shall be fixed by the General Assembly and may not be decreased during the term of office (para. 5).

4. The emoluments of the members of the Court are sui generis. However, on the occasion of the periodic comprehensive reviews of the emoluments and conditions of service of the members of the Court, information on the net remuneration of senior Secretariat officials, the Chairman of the Advisory Committee, the Chairman and Vice-Chairman of the International Civil Service Commission and the members of the Joint Inspection Unit, as well as the gross emoluments of the president and members of the highest courts in national judiciaries of a number of States and of international courts, has been provided as a reference point for purposes of comparative assessment. Annexes I and II to the present report illustrate the evolution of emoluments during the period from January 2005 to January 2010. Since April 2008, the salaries of the members of the Court are expressed as base salary and post adjustment. Annex I compares the movement of the total emoluments of the judges with changes in the remuneration of senior Secretariat officials and that of full-time members of subsidiary bodies of the United Nations. Annex II provides information, obtained with the assistance of the Court and permanent missions to the United Nations, on the movement in gross emoluments of the president and members of the highest courts in a number of national judiciaries. Annex II also provides information on the movement in emoluments of the President and members of the International Criminal Court in The Hague, as well as the emoluments of the President and members of the European Court of Human Rights in Strasbourg. To facilitate comparison, annex III contains a summary of the salaries of an Under-Secretary-General serving in The Hague, a judge of the Court and a judge of the International Criminal Court in euros and the equivalent in United States dollars at the official United Nations operational rate of exchange for the month concerned.

B. International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda

5. By its resolution 827 (1993), the Security Council decided to establish the International Tribunal for the Former Yugoslavia and adopt its Statute. Article 13, paragraph 3, of the Statute provides that the terms and conditions of service shall be as they are for the judges of the International Court of Justice. By its resolution 955 (1994), the Security Council decided to establish the International Criminal Tribunal for Rwanda and adopt its Statute. Article 12, paragraph 5, of the Statute provides that the terms and conditions of service shall be the same as those of the judges of the International Tribunal for the Former Yugoslavia.

6. In a report to the General Assembly at its sixty-first session (A/61/554), the Secretary-General made proposals for revised salaries and revised pensions for the members of the International Court of Justice, and corresponding revisions to the

salaries and pensions of the judges of the Tribunals in the light of that which the Assembly might determine for the members of Court. The General Assembly, in paragraph 6 of its resolution 61/262, endorsed the proposals of the Secretary-General contained in paragraph 80 of the aforementioned report, whereby the annual salaries of the members of the International Court of Justice and the judges and ad litem judges of the two Tribunals would comprise an annual base salary with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which would be applied a post adjustment multiplier, as appropriate, taking into account the proposals of the Secretary-General contained in paragraphs 83 and 84 of the report. In paragraph 7 of the same resolution, the Assembly decided to set, effective 1 January 2007, the annual net base salary of the members of the Court and the judges and ad litem judges of the Tribunals at US$ 133,500, with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands or for the United Republic of Tanzania, as appropriate. In paragraph 8 of the resolution, the General Assembly also decided to maintain, as a transitional measure, in line with the provisions of Article 32, paragraph 5, of the Statute of the Court, the level of annual salary approved in section III of its resolution 59/282 for the current members of the Court and the judges and ad litem judges of the two Tribunals for the duration of their current term of office or until the revised annual salary system came into effect. However, in paragraph 10 of resolution 61/262, the Assembly decided to maintain, as an interim measure, the retirement benefits of the members of the Court and the judges of the two Tribunals at the level resulting from the annual base salary decided in section III of its resolution 59/282. Further, the General Assembly requested the Secretary-General to report to it at its sixty-second session on options for designing pension schemes for the members of the Court and the judges of the two Tribunals, including defined-benefit and defined-contribution schemes, taking into account the possibility of calculating pensions on the basis of the number of years served rather than the term of office. Subsequently, the Assembly, in section I, paragraph 7, of resolution 63/259, noted that the Secretary-General had proposed essentially only one option and that, rather than seek the expertise available within the Organization, had relied on the services of a consultant. In section I, paragraph 8, of the same resolution, the Assembly decided that the emoluments, pensions and other conditions of service for the members of the Court and the judges of the Tribunals should next be reviewed at its sixty-fifth session, including options for defined-benefit and defined-contribution pension schemes, and in that regard, requested the Secretary-General to ensure that, in that review, the expertise available within the United Nations was taken full advantage of.

C. Ad hoc judges of the International Court of Justice

7. Under article 31 of the Statute of the International Court of Justice, persons chosen by parties to cases before the Court to "take part in the decision on terms of complete equality with their colleagues" (para. 6) are known as ad hoc judges. Under Article 32, paragraph 4, of the Statute, they "shall receive compensation for each day on which they exercise their functions". The historical background to the determination of the amount of that compensation was presented in the report of the Secretary-General to the General Assembly at its fortieth session (A/C.5/40/32, paras. 35-41).

8. On the occasion of the comprehensive review of the emoluments, pensions and other conditions of service for the members of the Court and the two Tribunals, the Secretary-General recalled that, for the purpose of payments to judges ad hoc, annual salary had been defined in paragraph 3 of General Assembly resolution 40/257 A as follows: judges ad hoc were to be compensated for each day they exercised their functions, one three-hundred-and-sixty-fifth of the sum of the annual base salary and interim cost-of-living supplement payable at the time to a member of the Court (see A/61/554, para. 84). Under this definition, the post adjustment system introduced in paragraph 7 of General Assembly resolution 61/262 also applies to judges ad hoc.

D. Ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

9. The Security Council, acting under Chapter VII of the Charter of the United Nations decided, by resolution 1329 (2000), to establish a pool of ad litem judges in the International Tribunal for the Former Yugoslavia.

10. The General Assembly was requested to consider the approval of the conditions of service for ad litem judges, as proposed by the Secretary-General (A/55/756, paras. 18-25). In paragraph 7 of its related report (A/55/806), the Advisory Committee on Administrative and Budgetary Questions drew attention to the fact that judges of the Court and the Tribunals were elected for a term of nine years and four years, respectively, and in both cases could stand for re-election, whereas the service of ad litem judges was of a much more temporary and intermittent nature. This essential difference was taken into account by the Advisory Committee in evaluating the necessity of a number of the entitlements and allowances proposed by the Secretary-General. The Advisory Committee agreed with the Secretary-General's proposal that the annual salary of the ad litem judges be prorated for length of service.

11. In its resolution 55/249, the General Assembly endorsed the observations and recommendations of the Advisory Committee on the emoluments for and other conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia (see A/55/806, paras. 7-15).

12. In its resolution 1431 (2002), the Security Council decided to establish a pool of ad litem judges in the International Criminal Tribunal for Rwanda. In his report (A/57/587), the Secretary-General proposed to establish conditions of service applicable to the ad litem judges of the International Criminal Tribunal for Rwanda based on the provisions of General Assembly resolution 56/285, concerning the emoluments and other conditions of service of the members of the International Court of Justice, the judges of the two Tribunals and the ad litem judges of the International Tribunal for the Former Yugoslavia.

13. By resolution 57/289, the General Assembly endorsed the recommendation of the Advisory Committee (A/57/593, para. 23) that the conditions of service approved for the ad litem judges of the International Tribunal for the Former Yugoslavia be applied to the ad litem judges of the International Criminal Tribunal for Rwanda.

III. Other conditions of service

14. The other conditions of service of the members of the International Court of Justice include the special allowance of the President and of the Vice-President (when acting as President), the compensation of ad hoc judges, education allowance, health insurance, survivors' benefit, travel and subsistence regulations and retirement benefits.

15. The background of other conditions of service of the members of the Court is provided in the report of the Secretary-General submitted to the General Assembly at its forty-eighth session.[1]

16. In section VIII, paragraph 4, of its resolution 53/214, the General Assembly approved the recommendations of the Advisory Committee on, inter alia, the other conditions of service of the judges of the Tribunals. The background on other conditions of service of the judges of the Tribunals is provided in the report of the Secretary-General to the General Assembly at its fifty-second session (A/52/520, paras. 19-21). These other conditions of service include the special allowance of the President and of the Vice-President when acting as President, education allowance, health insurance, survivors' benefit, travel and subsistence regulations and retirement benefits.

A. Special allowance of the President and of the Vice-President when acting as President

International Court of Justice

17. Article 32 of the Statute of the Court provides that the President shall receive a special annual allowance (para. 2) and that the Vice-President shall receive a special allowance for each day on which he or she acts as President (para. 3). As is the case with remuneration, these allowances "shall be fixed by the General Assembly" and "may not be decreased during the term of office" (para. 5). In paragraph 3 of its resolution 31/204, the General Assembly provides that the allowances "shall be reviewed concurrently with the periodic review of their annual salary".

International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda

18. The amounts of the special allowance for the Presidents of the Tribunals and the special allowance for the Vice-Presidents of the Tribunals when acting as President are the same as those established for the President and the Vice-President of the International Court of Justice.

B. Assistance with education costs

19. The background to the issue of assistance with education costs, as applied to the members of the Court, is provided in paragraphs 24 to 29 of document

[1] See A/C.5/48/66, sect. IV, on special allowances of the President and of the Vice-President when acting as President; sect. V, on compensation of ad hoc judges; and sect. VI, on costs of educating children.

A/C.5/48/66. As noted in that report, the General Assembly, in resolution 45/250, decided that any increase in the level of the education grant, including that for disabled children, applicable to staff in the Professional and higher categories decided upon by the General Assembly at its forty-fifth session should be extended to the members of the International Court of Justice.

20. Accordingly, any increase in the level of education grant (including that for disabled children) applicable to staff in the Professional and higher categories approved by the General Assembly is extended to the members of the Court and the judges of the Tribunals.

C. Health insurance

21. With regard to participation of the members of the International Court of Justice in the Organization's health plan and the Organization's contribution to the charges to sustain participation therein in a manner comparable to the health contributions made by the United Nations for other such officials, the Secretary-General, in his report to the General Assembly at its fifty-sixth session (A/C.5/56/14, para. 27), reiterated the view expressed previously that, while the Secretary-General and the two full-time members of the International Civil Service Commission and the Chairman of the Advisory Committee were participants in the Headquarters health plan, the Organization did not contribute to the cost of participation. The Secretary-General also stated in the same report that members of the Court had the option of joining the relevant health insurance plan of the United Nations system upon payment of the full cost of the premium. Furthermore, they also retained the option of joining the relevant after-service health plan, whether they chose to retire in the United States of America or elsewhere, equally upon payment of the full cost of the premium.

22. With regard to the participation of members of the Court in health insurance plans of the United Nations system, the Advisory Committee, in paragraph 8 of its report (A/56/7/Add.2), reiterated its view that the members of the Court should cover the total cost of their participation in the health insurance plans and that the Organization should not have to contribute at all to the cost of their participation.

23. The Secretary-General reiterates that the Organization has made provisions for the judges of the Tribunals, upon their appointment, to participate in an appropriate United Nations medical insurance plan in accordance with the relevant administrative rules and procedures, at full premium. As such, the liability for the medical premium rests with the judge electing to participate in the United Nations medical insurance plan.

D. Survivors' benefit

24. Concerning the establishment of a survivors' lump-sum benefit in the event of the death of serving members of the International Court of Justice, the General Assembly, in its resolution 40/257 C, approved the recommendation of the Advisory Committee to establish, in addition to the existing pension scheme, a death-benefit scheme for the members of the Court. Under the provisions adopted by the General Assembly, survivors of members who die while in office are compensated in the form of a lump-sum payment equivalent to one month of salary for each year of

service, subject to a minimum of three months and a maximum of nine months of salary. This lump-sum benefit is distinct from the applicable survivors' pension benefits.

25. Concerning the establishment of a survivors' lump-sum benefit in the event of the death of serving judges of the Tribunals, based on its consideration of the note by the Secretary-General (A/C.5/54/30), the General Assembly, in paragraph 7 of its resolution 54/240 A, approved the recommendations of the Advisory Committee and established a lump-sum benefit whereby survivors would be compensated in the form of a lump-sum equivalent to one month of base salary for each year of service, subject to a minimum of one month and a maximum of four months.

E. Travel and subsistence regulations

26. In its resolution 37/240, the General Assembly approved the travel and subsistence regulations of the International Court of Justice. In section VIII, paragraph 5, of its resolution 53/214, the General Assembly also approved the travel and subsistence regulations of the judges of the Tribunals (A/52/520, annex III).

27. In 2001, the Secretary-General pointed out that, as a result of the action taken by the General Assembly in section I.E of its resolution 44/198, the entitlement under installation grant was discontinued and replaced by the introduction of the assignment grant, effective as from 1 July 1990 (A/C.5/56/14, para. 97). In the light of a number of questions of interpretation concerning the entitlement to installation grant provisions, especially as they apply to the judges of the International Criminal Tribunal for Rwanda, the Secretary-General proposed, and the Advisory Committee recommended, that the language contained under the travel and subsistence regulations applicable to the members of the Court and the Tribunals, respectively, be updated and that the reference to "installation grant" be revised to make reference to the "assignment grant" provisions applicable to senior officials of the Secretariat of the United Nations. The recommendation was endorsed by the General Assembly in resolution 56/285.

28. By decision 62/547, the General Assembly, on the recommendation of the Fifth Committee (A/62/563/Add.3), and having considered the report of the Secretary-General (A/62/538 and Add.1-2) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.36, para. 8), endorsed the recommendation that no changes be made in the provisions of articles 1 and 2 of the travel and subsistence regulations of the International Court of Justice at that time.

F. Relocation allowance

29. In paragraph 2 of its resolution 40/257 C, the General Assembly decided that, with effect from 1 January 1986, the President and members of the International Court of Justice who had taken up and maintained a bona fide primary residence at The Hague for at least five continuous years during service with the Court should be eligible to receive a lump-sum equivalent to 18 weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands. Similarly, those members of the Court who had taken up and maintained a bona fide primary residence at The Hague for nine consecutive years or more during service

with the Court should receive the equivalent of 24 weeks of annual net base salary upon completion of service and relocation outside the Netherlands.

30. In section III, paragraph 6, of its resolution 59/282 of 2 June 2005, the General Assembly decided that, in addition to the provisions of paragraph 2 of resolution 40/257 C, with retroactive effect from 1 January 2005, those members of the Court who had taken up and maintained a bona fide primary residence at The Hague for less than five continuous years during their service with the Court should also be eligible, upon the completion of their appointment and resettlement outside the Netherlands, to receive a lump sum prorated on the basis of the ceiling of 18 weeks of annual net base salary payable to members of the Court who had served for five continuous years. It also decided that those members of the Court who had similarly taken up and maintained a bona fide primary residence at The Hague for more than five but less than nine continuous years should be eligible upon the completion of their appointment and resettlement outside the Netherlands for a lump sum prorated on the basis of the ceiling of 24 weeks of annual net base salary payable to members of the Court who had served for nine continuous years or more.

G. Issues related to the hardship classification of the duty station

31. On the occasion of the periodic review undertaken in 2001, the President of the International Criminal Tribunal for Rwanda recalled that the Statute of the Tribunal provided, in article 12, paragraph 5, that the terms and conditions of service for its judges should be those of the judges of the International Tribunal for the Former Yugoslavia. This is a general principle that does not exclude that there is a difference between the duty stations of the judges of the two Tribunals.

32. She further specified that, unlike their colleagues in the International Tribunal for the Former Yugoslavia, the judges of the International Criminal Tribunal for Rwanda were working in Arusha, which had been officially recognized as a category C hardship duty station, for which the home leave entitlement for staff of the Tribunal was once every 12 months. Consequently, it seemed logical since the cycle of home leave normally reflected the hardship factor at the duty station that the hardship factor be made applicable to the judges' home leave.

33. The Advisory Committee indicated that it had no objection to the proposed change in the home leave travel of the judges of the International Criminal Tribunal for Rwanda to take into account the hardship classification of the duty station (A/56/7/Add.2, para. 9). In its resolution 56/285, the General Assembly concurred with the recommendation of the Advisory Committee.

H. Retirement benefits

34. The members of the International Court of Justice are entitled to retirement pensions in accordance with Article 32, paragraph 7, of the Statute of the Court, the specific conditions of which are governed by regulations adopted by the General Assembly.

35. A review of the pension benefits and the corollary aspects of the pension scheme was presented in reports of the Secretary-General[2] considered by the General Assembly at its forty-eighth to fiftieth, fifty-third, fifth-sixth, fifty-seventh, fifty-ninth and sixty-first to sixty-third sessions.

36. In the 2001 review of the conditions of service, the Registrar of the International Court of Justice provided the Secretariat with a table listing pensions in payment and observed that pensions were disproportionate for retired members of the Court and/or surviving spouses. In order to rectify that inequity and to have all former members of the Court treated equally, the Court opined that pensions in payment should ideally be aligned with pensions under the present regime. However, the Advisory Committee in its 1998 report (A/53/7/Add.6) considered that such an alignment would not be advisable because it would entail considerable expense for the United Nations. In view of that, the Court did not ask for alignment of pension stricto sensu. However, concerned as it was by the level of pension payments to former members, the Court suggested that steps could be taken to remedy the disparity in payments by an increase, to the extent possible, in pension payments to its former members.

37. In this regard, it was the view of the Secretary-General that, as the General Assembly was the sole authority to determine the conditions of service and pension benefits of the Court, the issue of pension payments should be brought to the attention of the General Assembly for its consideration. In its report (A/56/7/Add.2, para. 10), the Advisory Committee pointed out that a pension entitlement was established at the time of retirement and the conditions of service in effect at that time. Moreover, it recalled that it had recommended, and the General Assembly had approved, a recommendation that pensions in payment be automatically revised by the same percentage and at the same date as salary adjustments; the Committee was of the view that the recommendation continued to provide the necessary protection for pensions in payment against an increase in the cost of living.

38. In his report (A/C.5/59/2 and Corr.1, paras. 94-95), the Secretary-General, following his recommendation that emoluments of the members of the Court and the judges of the Tribunals be increased from US$ 160,000 to US$ 177,000, stated that, based on the decision of the General Assembly contained in section VIII of its resolution 53/214 to set the retirement pension for the members of the Court at one half of the annual salary, the annual retirement benefit of a member of the Court retiring in 2005 would increase from US$ 80,000 per annum to US$ 88,500 with effect from 1 January 2005 and that, based on the proposed increase in the base salary of the members of the Court, it was recommended that pensions in payment be increased by 10.6 per cent, effective 1 January 2005. The Secretary-General was also of the view that, as the Court was concerned by the effect of the devaluation of the United States dollar vis-à-vis the euro on the level of pension payments to former members, steps could be taken to remedy the disparity in payments by an increase, to the extent possible, in pension payments to former members. It was the view of the Secretary-General that consideration should be given to applying the floor/ceiling mechanism to pensions in payment to former judges and their survivors

[2] See A/C.5/48/66, sect. VI; A/C.5/49/8, sect. III; A/C.5/50/18, sect. IV; A/C.5/53/11, sects. IV and V; A/C.5/56/14; A/C.5/57/36; A/C.5/59/2 and Corr.1, paras. 94-95; A/61/554; and A/62/538/Add.2 and Corr.1 (F only).

who resided in the euro zone countries to protect the level of pensions from further erosion.

39. In reviewing the report of the Secretary-General, the Advisory Committee noted that the annual retirement benefit of a member of the Court retiring in 2005 would increase from US$ 80,000 to US$ 88,500 per annum, effective 1 January 2005 (A/59/557, para. 8).

40. In section III of its resolution 59/282, the General Assembly decided, with retroactive effect from 1 January 2005, to increase the annual value of all pensions in payment by 6.3 per cent as an interim measure and requested the Secretary-General to submit a comprehensive report to the General Assembly at its sixty-first session on the protection of pensions in payment to former judges and their survivors as well as on the differences between the pension benefits of the judges of the two Tribunals on the one hand and the members of the Court on the other. That report was to include proposals for a mechanism of remuneration based on market exchange rates and local retail price fluctuations that limits the divergence of such remuneration from that of comparable positions of seniority within the United Nations system.

41. In paragraph 29 of its report (A/53/7/Add.6), the Advisory Committee recommended that the pension benefits for the judges of the two Tribunals be based on those applicable to the members of Court, prorated to account for the difference in length in the terms of appointment, that is to say, nine years for the members of the Court versus four years for the judges of both Tribunals.

42. In section VIII, paragraph 4, of its resolution 53/214, the General Assembly approved the recommendations of the Advisory Committee on the emoluments, pensions and other conditions of service of the judges of the Tribunals. In paragraph 6 of the resolution, the Assembly approved the pension scheme regulations for the judges of both Tribunals contained in annexes IV and V, respectively, to the report of the Secretary-General (A/52/520), with consequential modifications resulting from the decisions taken by the General Assembly in the same resolution.

43. In a report to the General Assembly at its fifty-seventh session (A/C.5/57/36), the Secretary-General drew the attention of the General Assembly to the fact that, under the Pension Scheme Regulations applicable to the members of the Court and the judges of the two Tribunals, there was no provision that would bar payment of a retirement pension to judges who had previously served in any one of those organs while serving as judges in another of those organs. On the recommendation of the Advisory Committee, the General Assembly, in its resolution 58/264, decided to amend article 1 of the Pension Scheme Regulations to specify that no retirement pension would be payable to a former member of the Court who had been elected or appointed a permanent judge of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda or who had been appointed to serve in either Tribunal as an ad litem judge until he or she ceased to hold office or appointment, and accordingly decided to amend article 1 of the Pension Scheme Regulations relating to the judges of each Tribunal.

44. In compliance with the request of the General Assembly contained in paragraph 11 of its resolution 61/262, the Secretary-General commissioned a study on options for designing pension schemes, including defined-benefit and defined-contribution schemes, taking into account the possibility of calculating pensions on

the basis of the number of years served rather than the term of office to a consulting firm, and presented a report to the General Assembly at its sixty-second session (A/62/538/Add.2).

45. The Advisory Committee on Administrative and Budgetary Questions, having reviewed the report, made a series of recommendations (see A/63/570). It endorsed the proposals of the Secretary-General, in particular the proposal that the level of pension be determined by reference to years of service rather than a term of office. However, it did not endorse the Secretary-General's proposals that the retirement benefits of the members of the Court be increased from 50 per cent to 55 per cent of the annual net base salary (excluding post adjustment) by reference to nine years of service, and that members of the Court who are re-elected receive one three-hundredth of his or her retirement benefit for each further month of service, up to a maximum pension of three fourths (rather than two thirds) of annual net base salary (excluding post adjustment).

46. Having reviewed the reports of the Secretary-General and the Advisory Committee, the General Assembly, in section I of its resolution 63/259, endorsed the conclusions and recommendations of the latter. The Assembly recalled paragraph 11 of its resolution 61/262, in which it had requested the Secretary-General to report on options for designing pension schemes, and noted that the Secretary-General had proposed essentially only one option and that, rather than seek the expertise available within the Organization, he had relied on the services of a consultant. The Assembly decided that the emoluments, pensions and other conditions of service for the members of the Court and the judges of the two Tribunals should next be reviewed at its sixty-fifth session, including options for defined-benefit and defined-contribution pension schemes. In this regard, the Assembly requested the Secretary-General to ensure that, in that review, the expertise available within the United Nations be taken full advantage of.

I. Ad litem judges

47. The Security Council, acting under Chapter VII of the Charter of the United Nations, decided, by resolution 1329 (2000), to establish a pool of ad litem judges in the International Tribunal for the Former Yugoslavia and to amend the Statute of the Tribunal accordingly.

48. Paragraphs 1 (e) and 2 of article 13 ter of the Statute of the International Tribunal for the Former Yugoslavia provide that ad litem judges shall be elected for a term of four years and shall be eligible for re-election, and that during their term, they will be appointed by the Secretary-General, upon request of the President of the Tribunal, to serve in the Trial Chambers for one or more trials for a cumulative period of up to, but not including, three years. Paragraph 1 (a) of article 13 quater of the Statute specifies that, during the period in which they are appointed to serve in the Tribunal, ad litem judges shall benefit from the same terms and conditions of service, mutatis mutandis, as the permanent judges of the Tribunal. Ad litem judges would therefore be entitled to receive benefits only after they had been appointed to serve on one or more trials and, if so appointed, they would be so entitled only for as long as and in respect of the period that they are so appointed.

49. In response to General Assembly resolution 55/225 A, the Secretary-General submitted a report (A/55/756) on the conditions of service of the ad litem judges of

the International Tribunal for the Former Yugoslavia. His recommendations, contained in paragraphs 18 to 25 of the report, related to emoluments, travel and subsistence benefits, education allowance, survivors' lump-sum benefit, general conditions and medical insurance.

50. The Secretary-General also recommended that ad litem judges not be entitled to pension benefits. He further specified that a judge who had retired from the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda or the International Court of Justice and was the recipient of a pension therefrom, would not continue to receive that pension during the time he or she served as an ad litem judge. Any period of service as an ad litem judge would not be counted towards or added to the years of qualifying service that a judge might have with the two Tribunals or the Court for pension purposes.

51. Concerning the establishment of disability benefits for ad litem judges, the Organization recognized that there was a need to take care of the disability payment in respect of a service period. It was therefore proposed that, should an ad litem judge be found unable to perform his or her duties because of ill health or disability, he or she would be entitled to receive payment of his or her salary for the service period. There would be no liability beyond that period.

52. By virtue of the limitation on their length of appointment, and taking into account the conditions applied to the permanent judges, ad litem judges would not be eligible for payment of relocation allowance.

53. In its report (A/55/806, para. 7), the Advisory Committee drew attention to the fact that while judges of the International Court of Justice were elected for a term of nine years and might be re-elected and judges of the Tribunals were elected for a term of four years and might be re-elected, the service of the ad litem judges was of a much more temporary nature and could be intermittent. That essential difference was taken into account by the Advisory Committee in evaluating the necessity of a number of the entitlements and allowances proposed in the report of the Secretary-General.

54. Accordingly, the Advisory Committee agreed with the proposals of the Secretary-General concerning the level of annual salary, prorated for length of service and with application of the floor-ceiling measures, the extension of the application of the travel and subsistence regulations in effect for the judges of the Tribunals to the ad litem judges, and the provision of disability benefits limited to injury or illness attributable to service with the Tribunal.

55. The observations and recommendations of the Advisory Committee on the emoluments, travel and subsistence regulations and disability payments for the ad litem judges of the International Tribunal for the Former Yugoslavia (A/55/806, paras. 7-15) were endorsed by the General Assembly in its resolution 55/249.

56. By its resolution 1431 (2002), the Security Council decided to establish a pool of ad litem judges in the International Criminal Tribunal for Rwanda. In his report (A/57/587), the Secretary-General proposed to establish conditions of service applicable to the ad litem judges of the Tribunal on the basis of the provisions of General Assembly resolution 56/285, concerning the emoluments and other conditions of service of the members of the Court, the judges of the two Tribunals and the ad litem judges of the International Tribunal for the Former Yugoslavia.

57. In its resolution 57/289, the General Assembly endorsed the recommendations of the Advisory Committee on the conditions of service for the ad litem judges of the International Criminal Tribunal for Rwanda (A/57/593, para. 23).

58. In section II of its resolution 64/239, the General Assembly, in the context of its review of the financing of the International Criminal Tribunal for Rwanda, noted that the Secretary-General was conducting a review of conditions of service of ad litem judges at the Tribunal and anticipated addressing the review at the first part of its resumed sixty-fourth session.

59. By resolution 64/261, the General Assembly decided that the matter of the difference in pension rights between ad litem judges and permanent judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia should be resolved as a priority of the General Assembly at the main part of its sixty-fifth session, and requested the Secretary-General to include a comprehensive actuarial study of the cost of extending pensions to the ad litem judges of the two Tribunals in his report requested pursuant to section I, paragraph 8, of its resolution 63/259.

IV. Review and recommendations

A. Remuneration

60. The General Assembly has conducted periodic reviews of the emoluments of the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, with the most recent comprehensive review undertaken at its sixty-first session in accordance with its resolution 59/282.

61. The General Assembly, in paragraph 6 of its resolution 61/262, endorsed the proposal of the Secretary-General (A/61/554, para. 80), whereby the annual salaries of the members of the Court and the judges and ad litem judges of the two Tribunals would comprise an annual base salary with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which would be applied a post adjustment multiplier, as appropriate. In paragraph 7 of the same resolution, the Assembly decided to set, effective 1 January 2007, the annual net base salary of the members of the Court and the judges and ad litem judges of the Tribunals at US$ 133,500, with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands or for the United Republic of Tanzania, as appropriate.

62. The Secretary-General had also proposed that on the occasion of future revisions to the base salary scale applicable to staff in the Professional and higher categories that are effected through the consolidation of post adjustment multiplier points into the base scale with a corresponding readjustment in the post adjustment multipliers, the annual base salary of the members of the Court and the judges and ad litem judges of the Tribunals, also be adjusted by the same percentage and at the same time (A/61/554, para. 83).

63. In paragraph 8 of its resolution 61/262, the General Assembly decided to maintain, as a transitional measure, in line with the provisions of Article 32, paragraph 5, of the Statute of the Court, the level of annual salary approved in

section III of its resolution 59/282 for the current members of the Court and the judges and ad litem judges of the two Tribunals for the duration of their current term of office or until such time as this amount was overtaken by the application of the revised annual salary system.

64. By decision 62/547, the General Assembly, having considered the report of the Secretary-General (A/62/538 and Add.1-2), and the related report of the Advisory Committee (A/62/7/Add.36), decided to set, effective 1 April 2008, the annual net base salary of the members of the Court and the judges and ad litem judges of the two Tribunals at US$ 158,000, with the corresponding post adjustment per multiplier point equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands or the United Republic of Tanzania, as appropriate, taking into account the adjustment mechanism as proposed by the Secretary-General in paragraph 77 of his report (A/62/538).

65. As a result of the action taken by the General Assembly in its resolutions 63/251 and 64/231 vis-à-vis a revised scale of gross and net salaries for staff in the Professional and higher categories, the annual base salary applicable to the judges of the Court and the two Tribunals was revised from US$ 158,000 to US$ 161,681, effective 1 January 2009, and from US$ 161,681 to US$ 166,596, effective 1 January 2010.

66. For comparison purposes, table 1 sets out the salaries, including post adjustment, of the members of the Court and the judges of the two Tribunals serving in The Hague in euros, and their equivalent in United States dollars at the official United Nations operational rate of exchange for the month concerned, as well as the salaries of the judges of the International Criminal Tribunal for Rwanda serving in Arusha, expressed in United States dollars.

Table 1

Salaries of the members of the International Court of Justice and judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda[a] serving in The Hague and salaries of judges of the International Criminal Tribunal for Rwanda serving in Arusha for the period from January 2008 to June 2010

Month and year	*Judges serving in The Hague (Euros)*	*Judges serving in The Hague (United States dollars)*	*Judges serving in Arusha (United States dollars)*
January 2008	14 559	21 223	18 829
February 2008	14 559	21 537	18 829
March 2008	14 559	22 025	18 658
April 2008	14 558	22 963	18 658
May 2008	14 573	22 699	18 658
June 2008	14 579	22 673	18 658
July 2008	14 562	22 897	19 171
August 2008	14 635	21 778	19 171
September 2008	15 551	21 659	19 171
October 2008	15 602	21 027	19 171

Month and year	*Judges serving in The Hague (Euros)*	*Judges serving in The Hague (United States dollars)*	*Judges serving in Arusha (United States dollars)*
November 2008	15 664	20 264	18 829
December 2008	15 664	20 290	18 829
Total, 2008	**179 064**	**261 034**	**226 630**
January 2009	16 635	20 682	18 822
February 2009	15 647	20 533	18 822
March 2009	15 688	20 062	18 674
April 2009	15 636	20 601	18 674
May 2009	15 587	21 207	18 674
June 2009	15 553	21 692	18 674
July 2009	15 538	21 854	18 781
August 2009	15 541	21 827	18 781
September 2009	15 507	22 312	18 781
October 2009	15 490	22 514	18 781
November 2009	15 465	22 878	19 024
December 2009	15 432	23 242	19 590
Total, 2009	**186 720**	**259 404**	**226 077**
January 2010	15 499	22 233	19 589
February 2010	15 543	21 769	19 589
March 2010	15 596	21 047	19 797
April 2010	15 607	21 005	19 797
May 2010	15 708	19 908	19 797
June 2010	15 770	19 256	19 797

[a] Two judges of the International Criminal Tribunal for Rwanda members of the Appeals Chamber are currently serving in The Hague.

67. The Secretary-General proposes that no change be effected in the current remuneration system of members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda on the occasion of the present periodic review.

B. Other conditions of service

Special allowance of the President and of the Vice-President when acting as President

68. Prior to 1980, the President's special allowance had historically been set at 24 per cent of salary. Similarly, the special daily allowance of the Vice-President when acting as President had been set at a ceiling amount equivalent to 62.5 per cent of the President's allowance for 100 days as Acting President. On the occasion of the 1980 periodic review, no increase in the allowance was proposed, although the

annual base salary rose by 40 per cent (from US$ 50,000 to US$ 70,000). The President's allowance remained at 24 per cent of US$ 50,000, that is, US$ 12,000. In 1983, the Secretary-General suggested that the 24 per cent relationship between the special allowance of the President and the annual base salary should be restored (A/C.5/38/27), thereby raising the allowance from US$ 12,000 to US$ 16,000 as of 1 January 1985. It was also proposed that the allowance of the Vice-President be increased by a corresponding amount, from US$ 76 to US$ 104 per day. The Advisory Committee on Administrative and Budgetary Questions did not support the proposal of the Secretary-General. It was of the view that a fixed ratio between the special allowances and the annual base salary should not be applied and, in 1985, the allowance was set at a flat amount of US$ 15,000. From 1981 to 1985, the allowance represented 17.4 per cent of the annual base salary and 14.6 per cent of the adjusted emoluments, including the cost-of-living supplement (base salary of US$ 70,000 + cost-of-living supplement of US$ 12,000 = US$ 82,000).

69. In the context of the 2001 review of conditions of service, the Secretary-General recalled that the General Assembly had decided in its resolution 50/216 that the President's special allowance should remain at US$ 15,000 a year and that the special daily allowance paid to the Vice-President when acting as President should remain at US$ 94 per day, subject to a maximum of US$ 9,400 per year (A/C.5/56/14, para. 18). The Secretary-General informed the General Assembly that the Court had made representations that, although its workload had increased dramatically, both special allowances had remained unchanged since 1985 and that the Registry of the Court had recommended that the President's allowance be increased, with a similar percentage increase in the allowance of the Vice-President when acting as President (A/C.5/56/14, paras. 19 and 20). The Secretary-General suggested that consideration be given to increasing the special allowance of the President from US$ 15,000 to US$ 20,000, which would apply to the President of the Court as well as to the Presidents of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and that a commensurate increase also be given to the special allowance paid to the Vice-President of the Court and of each of the Tribunals when acting as President, resulting in an increase from US$ 94 to US$ 125 per day, subject to a maximum of US$ 12,500 per year (A/C.5/56/14, para. 91). The Advisory Committee recommended against this proposal (A/56/7/Add.2, para. 5). That recommendation was endorsed by the General Assembly in its resolution 56/285.[3]

70. In the context of the 2006 review of conditions of service, the General Assembly, in resolution 61/262, endorsed the conclusions and recommendations of the Advisory Committee (A/61/612 and Corr.1), and as a result rejected the proposal of the Court for an increase in the President's allowance from US$ 15,000 to US$ 20,000 and in the Vice-President's allowance from US$ 94 per day to US$ 125 per day, subject to a maximum of US$ 12,500 per year (see A/61/554, para. 86), and no further action has been taken on the subject.

71. Throughout previous reviews of conditions of service, the International Court of Justice has maintained that the special allowance of the President pertains to salary, as suggested by the text and context of Article 32, paragraph 2, of the Statute

[3] The background of the special allowance was restated in the report on the conditions of service submitted by the Secretary-General to the General Assembly at its fifty-ninth session (A/C.5/59/2) but no specific recommendation was made.

of the Court. Unlike the situation in other bodies, where the President or Chairman is of a higher rank than the other members and therefore has a higher salary, the salary of the President of the Court is equal to that of its other members. As a consequence, it is only through the special allowance that the President (or the Vice-President when acting as President) is compensated for the additional duties and responsibilities which he or she has compared with the other members of the Court.

72. In the past, the President's allowance has never remained at the same level for such an extended period (more than 25 years), despite the trend in the cost of living. Moreover, it must be emphasized that the workload of the Court, and notably that of the President, has increased not only in volume but also in complexity since 1986 (when the special allowance of the President was fixed at its current level of US$ 15,000). The Court has highlighted this increase in workload and responsibility on many occasions during previous reviews of the conditions of service of members of the Court, most recently during the review carried out by the General Assembly at its sixty-first session. The Court is therefore proposing an increase in the President's allowance from US$ 15,000 to US$ 25,000 and in the Vice-President's allowance from US$ 94 per day to US$ 156 per day, subject to a maximum of US$ 15,600 per year. The increased amount of US$ 25,000 would represent an average of 15 per cent of the annual base salary (28 per cent in 1946, 24 per cent between 1950 and 1980, and 9 per cent at present).

73. Accordingly, the General Assembly may wish to consider increasing the special allowance of the Presidents and of the Vice-Presidents, when acting as President, of the Court and the Tribunals, to US$ 25,000 and US$ 156 per day, respectively.

Education costs

International Court of Justice and Tribunals

74. The International Civil Service Commission reviewed the education grant in 2006.[4] The Secretary-General recommended that any decision taken by the General Assembly at its sixty-first session to update the level of the education grant or changes in the provisions regarding disabled children be extended to the members of the Court and the judges of the Tribunals (A/61/554, para. 87).

75. The General Assembly, in paragraph 12 of its resolution 61/262, decided to extend its decision on the level of education grant to the members of the Court and the judges of the two Tribunals.

76. The next review of the costs of educating children of the members of the Court and the judges of the Tribunals will be conducted at the time of the next comprehensive review of the conditions of service.

Ad litem judges

77. In its resolution 56/285, the General Assembly endorsed the recommendation of the Advisory Committee on Administrative and Budgetary Questions (A/56/7/Add.2, para. 12) that, by virtue of the limitation of their length of appointment, ad litem judges would not be eligible for payment of education

[4] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 30* (A/61/30), chap. III, sect. B.

allowance, given the uncertainty as to the length of their appointment and taking into account the probability of breaks in service.

78. In its resolution 64/261, the General Assembly affirmed that the ad litem judges of the two Tribunals benefited from the same terms and conditions of service, mutatis mutandis, as those of the permanent judges of the Tribunals and recognized the decisions of the Security Council to extend the terms of office of the ad litem judges beyond a cumulative period of service of three years, in the greater interest of successful implementation of the completion strategies of both Tribunals.

79. In view of the above, the General Assembly may wish to extend the education allowance entitlement to the eligible ad litem judges who have served for a continuous period of more than three years.

Travel and subsistence regulations

80. The travel and subsistence regulations for members of the International Court of Justice were reviewed by the General Assembly at its sixty-second session. In section XV, paragraph 5, of its resolution 62/238, the General Assembly requested the Secretary-General to report on the feasibility of harmonizing standards of travel for staff members, members of organs and subsidiary organs of the United Nations and organizations of the United Nations system, on the basis of a review and proposals by the United Nations System Chief Executives Board for Coordination. After reviewing the reports of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.36), the General Assembly, by decision 62/547, endorsed its conclusion that no changes should be made to articles 1 and 2, or to article 3, paragraph 1 (a) (ii), of the travel and subsistence regulations of the Court.

81. The Secretary-General proposes that no change be effected in the travel and subsistence regulations in respect of members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda on the occasion of the present periodic review.

Relocation allowance

International Court of Justice

82. In accordance with section III, paragraph 6, of General Assembly resolution 59/282, members of the International Court of Justice are no longer required to complete five years of service in order to be entitled to receipt of a relocation allowance. Furthermore, members of the Court who have completed more than five but less than nine years of service are entitled to a prorated relocation allowance up to a maximum of 24 weeks of annual net base salary payable for nine years of continuous service.

Tribunals

83. The Secretary-General, in defining the conditions of service of judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (see A/52/520), made a distinction between the members of the International Court of Justice and the judges of the Tribunals in respect of certain benefits. With regard to relocation allowance upon completion of service, a member of the Tribunal who had maintained a bona fide residence at The Hague or at Arusha

for at least three continuous years during service with the Tribunals could receive a lump sum equal to 12 weeks' net salary on completion of appointment and resettlement outside the Netherlands or the United Republic of Tanzania.

84. Article 13, paragraph 3, of the Statute of the International Tribunal for the Former Yugoslavia provides that the terms and conditions of service shall be those of the judges of the International Court of Justice. Article 12, paragraph 5, of the Statute of the International Criminal Tribunal for Rwanda provides that the terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. Taking into consideration that the General Assembly, in section III of its resolution 59/282, changed the conditions of service of the judges of the Court by effectively removing the difference in their respective length of service as the basis for the difference in their entitlements, the General Assembly may wish to consider reviewing the conditions under which the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are eligible for the relocation allowance with a view to aligning them to those of the judges of the Court.

Ad litem judges

85. Article 13 quater (1) (a) of the Statute of the International Tribunal for the Former Yugoslavia provides that during the period in which they are appointed to serve on the Tribunal, ad litem judges shall benefit from the same terms and conditions of service, mutatis mutandis, as the permanent judges of the Tribunal. According to article 12 quater (1) (a) of the Statute of the International Criminal Tribunal for Rwanda, the ad litem judges shall benefit from the same terms and conditions of service, mutatis mutandis, as the permanent judges of the Tribunal. Certain differences, following this principle of mutatis mutandis application, were based on the initial arrangements foreseen for ad litem judges to join the Tribunals for one or more trials for a cumulative period of up to, but not including, three years.

86. In its resolution 64/261, the General Assembly, affirmed that the ad litem judges of the two Tribunals benefited from the same terms and conditions of service, mutatis mutandis, as those of the permanent judges of the Tribunals, pursuant to the statutes of the Tribunals, and recognized the decisions of the Security Council to extend the terms of office of the ad litem judges beyond a cumulative period of service of three years, in the greater interest of successful implementation of the completion strategies of both Tribunals.

87. In view of the above, the General Assembly may wish to consider extending the relocation allowance to qualifying ad litem judges of the International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda, under the same conditions as those of the judges of the Tribunals (see para. 84 above).

Retirement benefits

International Court of Justice and Tribunals

88. In compliance with paragraph 8 of General Assembly resolution 63/259, the Secretary-General engaged the expertise of the United Nations Joint Staff Pension Fund. The Fund, noting the importance and scope of the review, considered that there was not enough time to complete such a project and do full justification to the

range and depth of work required in time to prepare a report for consideration by the General Assembly at its sixty-fifth session. The Fund also noted that it lacked the manpower and resources to undertake such a study on its own, and suggested the establishment of a working group, members of which would include representatives from the Office of Human Resources Management, the International Civil Service Commission, the Court, the Tribunals and the United Nations Joint Staff Pension Fund. The working group could complete a thorough review of retirement plan alternatives, with the Fund acting as the coordinator/project manager.

89. The above-mentioned review would be completed in three stages: (a) working with an outside actuarial consultant, the group would review the benefits provided to judges in comparable positions throughout the world. The working group would then develop alternative retirement income goals and maximum cost thresholds for the considered judicial group that would be used to develop alternative plan designs; (b) working with the consultant, plan design alternatives would be developed which would meet both the income replacement and cost goals established in the first phase of the study; and (c) a report would be prepared for the Office of Human Resources Management, summarizing findings and conclusions of the working group.

90. The Secretary-General expects that the review would be completed in time for the sixty-sixth session of the General Assembly. It is not expected that the proposed changes, where approved, would impact upon the pensions of the serving or retired judges. The serving and retired judges would, it is expected, remain unaffected, with their entitlements continuing on the basis of the existing conditions of service. In view of the above, the Secretary-General proposes that the review of the pension schemes for the members of the International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda be postponed until the sixty-sixth session of the General Assembly.

Ad hoc judges

91. The Secretary-General proposes that no change be effected in the arrangements for ad hoc judges on the occasion of the present periodic review.

Ad litem judges

92. On the occasion of the recent review of conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, the Presidents of the Tribunals, by means of letters and discussions, requested the Secretary-General to bring the differences in conditions of service between the permanent judges and the ad litem judges of the Tribunals to the urgent attention of the General Assembly for appropriate action or decision.

93. It will be recalled that when the Security Council established the pool of ad litem judges in order to enable the Tribunals to expedite the conclusion of their work, it was understood that ad litem judges would serve for a limited period of time. This understanding is expressed in article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda and article 13 ter, paragraph 2, of the Statute of the International Tribunal for the Former Yugoslavia, which provide that ad litem judges will be appointed to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years. The limitation

on the cumulative service meant that ad litem judges would not be entitled to a pension since, according to article 1 (a) of annex III to Assembly resolution 58/264 of 23 December 2003, judges of the Tribunal are entitled to a pension after having completed at least three years of service.

94. As can be seen from table 2, when their respective cases will have been completed the majority of ad litem judges of both Tribunals will have served for more than three years. The President of the International Criminal Tribunal for Rwanda pointed out that this was the consequence of a policy of giving priority to the continuity in service of the ad litem judges in order to achieve the goals of the completion strategy of the Tribunals.

95. Furthermore, the Security Council has in various resolutions, such as 1705 (2006), 1717 (2006), 1877 (2009) and 1878 (2009), recognized the need for and allowed ad litem judges to serve beyond the cumulative period of service, in the greater interest of expediting the completion of the work of the Tribunals. The President of the International Criminal Tribunal for Rwanda has noted that the workload of the ad litem judges is identical to that of the permanent judges and that their responsibilities are nearly identical to those of the permanent judges. Therefore, the continuing differences in the terms and conditions of service between the permanent judges and the ad litem judges would no longer be justified and should be addressed in the interest of both equity and the successful implementation of the completion strategies of the Tribunals. In this regard, it is recalled that the Security Council, in its resolution 1878 (2009), noted the concerns that were expressed about the terms and conditions of service of the ad litem judges. The Council was, however, unable to act because the matter falls within the purview of the General Assembly.

96. In its resolution 64/261, the General Assembly endorsed the conclusions and recommendations of the Advisory Committee (see A/64/7/Add.20) and decided that the matter of the difference in pension rights between ad litem judges and permanent judges of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia should be resolved as a priority of the General Assembly at the main part of its sixty-fifth session, and that all decisions to be taken in that respect should apply to all ad litem judges who had served for an uninterrupted period of service of three years or more. In the same resolution, it requested the Secretary-General to include a comprehensive actuarial study of the cost of extending pensions to the ad litem judges in his report requested pursuant to section I, paragraph 8, of General Assembly resolution 63/259.

97. The following table shows the completed years of service of ad litem judges currently serving in the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda as at the expected end of their term:

Judge	*Date term began*	*Date term expires (projected)*	*Completed years of service as at end of term*
International Tribunal for the Former Yugoslavia			
Judge A	15 December 2008	31 December 2012	4 years
Judge B	27 February 2008	30 April 2011	3 years 2 months
Judge C	3 March 2008	31 July 2012	4 years 2 months
Judge D	8 January 2007	30 June 2012	5 years 5 months
Judge E	3 March 2008	31 December 2010	2 years 9 months
Judge F	2 June 2007	31 December 2012	5 years 6 months
Judge G	25 April 2006	28 February 2012	5 years 10 months
Judge H	1 December 2009	28 February 2012	2 years 2 months
Judge I	27 February 2008	31 July 2012	4 years 5 months
Judge J	3 April 2006	30 September 2011	5 years 5 months
Judge K	3 July 2006	30 June 2010	3 years 11 months
Judge L	11 July 2006	30 June 2010	3 years 11 months
Judge M	3 April 2006	30 September 2011	5 years 5 months
International Criminal Tribunal for Rwanda			
Judge 1	27 January 2009	30 June 2011	2 years 5 months
Judge 2	24 October 2003	30 June 2011	7 years 8 months
Judge 3	31 August 2003	30 June 2011	7 years 10 months
Judge 4	11 September 2004	31 December 2010	6 years 3 months
Judge 5	1 May 2007	30 June 2011	4 years 1 month
Judge 6	10 September 2004	30 June 2011	6 years 9 months
Judge 7	7 January 2009	31 December 2010	1 year 11 months
Judge 8	22 October 2003	30 June 2011	7 years 8 months
Judge 9	10 September 2004	31 December 2010	6 years 3 months
Judge 10	24 January 2009	30 June 2011	2 year 5 months
Judge 11	20 March 2004	31 December 2010	6 years 9 months

98. In compliance with paragraph 8 of General Assembly resolution 64/261, the Secretary-General requested the United Nations Joint Staff Pension Fund to conduct an actuarial analysis of the possible granting of pension rights to the currently serving ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. The actuarial analysis completed for the currently serving ad litem judges consisted of first calculating the estimated projected retirement benefit that each judge would receive at the end of his or her term. The actuarial value of this benefit was then determined and discounted back to 1 January 2010 to provide the current value (or liability) for the potential benefits being considered. Based on the foregoing, the Pension Fund estimated the total liability of providing the same benefits to ad litem judges as those already granted to permanent judges of the two Tribunals to be US$ 12,000,000.

99. In view of the above, the General Assembly may wish to consider extending pension rights to the ad litem judges who have served for a continuous period of three years or more on the occasion of the present periodic review.

V. Financial implications

100. Should the General Assembly approve the proposals contained in paragraphs 73, 79, 84, 87 and 99 above relating, respectively, to (a) an increase in the special allowance of the Presidents and of the Vice-Presidents, when acting as President, of the International Court of Justice and the Tribunals, (b) extension of the education allowance entitlement to the ad litem judges of the Tribunals, (c) alignment of the relocation allowance conditions currently applicable to judges of the Court with those applicable to judges of the Tribunals, (d) extension of the relocation allowance entitlement to the ad litem judges of the Tribunals and (e) extension of pension rights to the ad litem judges of the Tribunals, the programme budget implications that would arise for the biennium 2010-2011 are estimated at US$ 16,200 for the International Court of Justice, US$ 467,953 for the International Tribunal for the Former Yugoslavia and US$ 1,210,700 for the International Criminal Tribunal for Rwanda (see table 2). The additional requirements that may arise are seen as relating to inflationary adjustments. Therefore, in conformity with the procedure set out in paragraph 34 of section III of General Assembly resolution 52/220, any additional requirements would be reported in the context of the relevant performance reports for the biennium 2010-2011.

Table 2

Programme budget implications of proposals concerning the conditions of service and compensation for officials other than Secretariat officials for the biennium 2010-2011

(United States dollars)

Expenditure item	*International Court of Justice*	*International Tribunal for the Former Yugoslavia*	*International Criminal Tribunal for Rwanda*
Special allowance (increase)[a]	16 200	16 200	16 200
Education grant[a]	—	32 100	60 800
Relocation allowance:[b]			
Judges (International Court of Justice formula)[c]	—	34 900	266 000
Ad litem judges (International Court of Justice formula)[d]	—	286 900	610 300
Pensions for ad litem judges[e]	—	97 853	257 400
Total	**16 200**	**467 953**	**1 210 700**

[a] Estimates are based on the commencement of benefits as of 1 January 2011. If benefits are granted retroactively to 1 January 2010, the benefits would be doubled.

[b] One-time payments during the biennium.

[c] One-time payments for the International Tribunal for the Former Yugoslavia estimated at US$ 261,000 for the biennium 2012-2013 and US$ 196,200 in 2014.

[d] One-time payment for the International Tribunal for the Former Yugoslavia of US$ 359,500 in 2012.

[e] Estimates are based on commencement of benefits as at 1 January 2011. Yearly pension payments are estimated to increase to US$ 434,000 per year (International Tribunal for the Former Yugoslavia) and US$ 431,000 per year (International Criminal Tribunal for Rwanda) during the biennium 2012-2013. If retroactive to 1 January 2010, payments for the International Tribunal for the Former Yugoslavia only increase by US$ 27,700.

VI. Next comprehensive review

101. In section III, paragraph 9, of its resolution 59/282, the General Assembly decided that the conditions of service and remuneration for the members of the International Court of Justice and the judges and ad litem judges of the two Tribunals should next be reviewed at its sixty-first session. In section I, paragraph 8, of its resolution 63/259, the General Assembly decided that the emoluments, pensions, and other conditions of service for the members of the Court and the judges of the two Tribunals would next be reviewed at its sixty-fifth session. Should the General Assembly decide to revert to the three-year review cycle, the next comprehensive review would be undertaken by the Assembly at its sixty-eighth session, in 2013.

Annex I

Changes in net remuneration of members of the Court, Secretariat officials and members of United Nations bodies for the period from January 2005 to January 2010

(United States dollars, dependency rate)

	2005	2006	2007	2008	2009	2010
International Court of Justice						
President[a]	185 080	185 080	215 651	271 434	263 180	283 386
Index	100.0	100.0	116.5	146.7	142.2	153.1
Members of the Court	170 080	170 080	200 651	256 434	248 180	268 386
Index	100	100.0	118.0	150.8	145.9	157.8
Senior Secretariat officials						
The Hague						
Under-Secretary-General[b]	202 737	182 902	205 128	225 465	218 337	235 787
Index	100	88.9	99.7	109.6	106.1	114.6
Assistant Secretary-General[c]	185 280	167 087	187 474	206 127	199 589	215 594
Index	100	88.8	99.7	109.6	106.1	114.6
Geneva						
Under-Secretary-General[b]	228 331	207 472	223 863	250 299	245 844	267 441
Index	100	100.8	108.8	121.6	119.5	129.9
Assistant Secretary-General[c]	208 755	189 623	204 657	228 905	224 819	244 626
Index	100	100.8	108.8	121.7	119.5	130.1
New York						
Under-Secretary-General[b]	205 809	217 966	217 975	224 783	239 282	239 241
Index	100	105.9	105.9	109.2	116.3	116.2
Assistant Secretary-General[c]	188 097	199 248	199 256	205 501	218 800	218 761
Index	100	105.9	105.9	109.3	116.3	116.3
Full-time members of subsidiary bodies						
Chairman, International Civil Service Commission/Advisory Committee on Administrative and Budgetary Questions[d]	189 077	196 240	199 965	207 564	211 515	215 545
Index	100	103.8	105.8	109.8	111.9	114.0
Vice-Chairman, International Civil Service Commission	179 077	186 240	189 965	197 564	201 515	205 545
Index	100	104.0	106.1	110.3	112.5	114.8
Members of the Joint Inspection Unit, Geneva	182 266	165 319	178 637	200 117	196 497	214 044
Index	100	90.7	98.0	109.8	107.8	117.4

[a] Includes a special allowance of $15,000.
[b] Includes a representation allowance of $4,000 a year.
[c] Includes a representation allowance of $3,000 a year.
[d] Includes a special allowance of $10,000 a year.

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Annex II

Movement in gross emoluments of officers of national judiciaries, the European Court of Human Rights and the International Criminal Court, 2005-2010

	2005	2006	2007	2008	2009	2010
United States Supreme Court						
Chief Justice						
United States dollars	208 100	212 100	212 100	217 400	217 400	223 500
Index	100	101.9	101.9	104.5	104.5	107.4
Associate Justice						
United States dollars	199 200	203 000	203 000	208 100	208 100	213 900
Index	100	101.9	101.9	104.5	104.5	107.4
Supreme Court of Canada						
Chief Justice						
Canadian dollars[a,b,c]	288 200	314 400	323 800	334 100	343 400	348 800
United States dollars	236 230	268 718	279 138	340 571	281 706	336 031
Index	100	113.8	118.2	144.2	119.3	142.2
Puisne Judge						
Canadian dollars[b,c,d]	266 800	291 100	299 800	309 300	317 900	322 900
United States dollars	218 689	248 803	258 448	315 291	260 788	311 079
Index	100	113.8	118.2	144.2	119.3	142.2
United Kingdom of Great Britain and Northern Ireland						
Lord Chief Justice						
Pounds sterling[c]	211 399	213 513	230 400	236 300	239 845	239 845
United States dollars	404 979	367 492	450 881	470 717	350 651	383 752
Index	100	90.7	111.3	116.2	86.6	94.8
Master of the Rolls						
Pounds sterling	191 276	193 189	205 700	211 000	214 165	214 165
United States dollars	366 429	332 511	402 544	420 319	313 107	342 664
Index	100	90.7	109.9	114.7	85.4	93.5
Australia						
Chief Justice						
Australian dollars[c]	367 060	382 110	398 930	415 690	433 570	446 580
United States dollars	284 322	278 912	314 118	364 640	301 719	401 601
Index	100	98.1	110.5	128.2	106.1	141.2
Justice						
Australian dollars[c]	333 100	346 760	362 020	377 230	393 460	405 272
United States dollars	258 017	253 109	285 055	330 904	273 807	364 453
Index	100	98.1	110.5	128.2	106.1	141.3

	2005	2006	2007	2008	2009	2010
Japan						
Chief Justice						
Yen[c]	41 645 344	39 224 946	39 556 720	40 220 269	40 552 043	39 905 298
United States dollars	400 436	335 256	335 226	352 809	449 081	435 172
Index	100	83.7	83.7	88.1	112.1	108.7
Associate Judge						
Yen	30 406 524	28 637 431	28 879 653	29 364 098	29 606 320	29 122 171
United States dollars[c]	292 370	244 764	244 743	257 580	327 866	317 581
Index	100	83.7	83.7	88.1	112.1	108.6
European Court of Human Rights[f]						
President						
Euros	210 804	210 804	218 847	228 243	235 007	239 700
United States dollars	286 030	249 472	287 957	332 716	336 205	345 887
Index	100	87.2	100.7	116.3	117.5	120.9
Member						
Euros	198 349	198 349	206 064	214 668	221 112	225 540
United States dollars	269 130	234 733	271 137	312 927	316 326	325 455
Index	100	87.2	100.7	116.3	117.5	120.9
International Criminal Court						
President						
Euros[g]	198 000	198 000	198 000	198 000	198 000	198 000
United States dollars	268 657	234 320	260 526	288 630	283 262	285 714
Index	100.0	95.9	106.7	118.2	116.0	117.0
Member of the Court						
Euros	180 000	180 000	180 000	180 000	180 000	180 000
United States dollars	244 233	213 018	236 842	262 391	257 511	259 740
Index	100.0	87.2	97.0	107.4	105.4	106.3

[a] Also entitled to a representation allowance of Can$ 10,000.
[b] Also entitled to an incidental allowance of Can$ 2,500.
[c] Salary effective as of 1 April.
[d] Also entitled to a representation allowance of Can$ 5,000.
[e] Also entitled, as of 1 July, to an annual allowance of A$ 20,000 in 2004; A$ 25,000 in 2005; A$ 26,560 in 2006; A$ 26,640 in 2007; A$ 26,800 in 2008; and A$ 28,650 in 2009.
[f] Effective as of 1 April for members hired before 2009. A representation allowance is included in the emoluments of the President.
[g] Also entitled to a representation allowance of €18,000.

Annex III

Salaries for senior officials in The Hague

	Under-Secretary-General[a]		*Judge of the International Court of Justice*		*Judge of the International Criminal Court*	
	Euros	*United States dollars*	*Euros*	*United States dollars*	*Euros*	*United States dollars*
January 2008	12 889	18 789	14 659	21 370	15 000	24 345
February 2008	12 870	19 039	14 642	21 659	15 000	24 675
March 2008	12 840	19 426	14 613	22 107	15 000	25 185
April 2008	12 784	20 165	14 558	22 963	15 000	26 160
May 2008	12 800	19 937	14 573	22 699	15 000	25 860
June 2008	12 805	19 914	14 579	22 673	15 000	25 830
July 2008	12 789	20 108	14 562	22 897	15 000	26 085
August 2008	12 308	19 141	14 003	21 778	15 000	24 810
September 2008	12 889	19 039	14 663	21 659	15 000	24 675
October 2008	12 631	18 493	14 362	21 027	15 000	23 955
November 2008	13 785	17 834	15 664	20 264	15 000	23 085
December 2008	13 785	17 856	15 664	20 290	15 000	23 115
	155 176	**229 740**	**176 541**	**261 385**	**180 000**	**297 780**
January 2009	12 718	18 195	14 457	20 682	15 000	23 025
February 2009	13 767	18 067	15 647	20 533	15 000	22 860
March 2009	13 810	17 659	15 688	20 062	15 000	22 335
April 2009	13 757	18 125	15 636	20 601	15 000	22 935
May 2009	14 061	18 649	15 990	21 207	15 000	23 610
June 2009	13 671	19 067	15 553	21 692	15 000	24 150
July 2009	13 656	19 207	15 538	21 854	15 000	24 330
August 2009	13 659	19 184	15 541	21 827	15 000	24 300
September 2009	13 624	19 603	15 507	22 312	15 000	24 840
October 2009	13 607	19 777	15 490	22 514	15 000	25 065
November 2009	13 582	20 091	15 465	22 878	15 000	25 470
December 2009	13 549	20 406	15 432	23 242	15 000	25 875
	163 461	**228 030**	**185 944**	**259 404**	**180 000**	**288 795**
January 2010	13 617	19 649	15 499	22 366	15 000	24 165
February 2010	13 661	19 133	15 543	21 769	15 000	23 520
March 2010	13 716	18 510	15 596	21 047	15 000	22 740
April 2010	13 726	18 474	15 607	21 005	15 000	22 695
May 2010	13 215	17 527	15 011	19 908	15 000	21 510
June 2010	13 893	16 963	15 770	19 256	15 000	20 805

[a] Includes representation allowance of US$ 4,000 per year.